

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:09CR457
)	
v.)	
)	
SARA JARRETT,)	ORDER
)	
Defendants.)	
)	

This matter is before the Court on defendant Sara Jarrett's Motion for Release of Custody (Filing NO. [832](#)). The applicable statute, 18 U.S.C. § 3143(a)(2), clearly directs the Court that defendants such as Jarrett -- i.e., persons who have been convicted of an offense for which the maximum term of imprisonment of ten years or more is prescribed by the Controlled Substance Act -- must be detained. There is no evidence indicating there is a substantial likelihood that a motion for acquittal or new trial will be granted in Jarrett's favor, nor has the government recommended the imposition of no sentence of imprisonment for Jarrett. Jarrett's continued compliance with her terms and conditions of release pretrial is praiseworthy, but § 3143(a)(2) still compels the Court to deny her request for release. See *United States v. Wilson*, 913 F. Supp. 1446, 1450 (D. Kan. 1995) (denying a request for release pending sentencing in similar circumstances).

Although 18 U.S.C. § 3145(c) may potentially override § 3143(a)(2)'s mandatory detention requirement, Jarrett has not raised this argument and, in any event, Jarrett has not "clearly shown that there are exceptional reasons" why she should be released from detention. 18 U.S.C. § 3145(c); *United States v. Mahoney*, 627 F.3d 705, 706 (8th Cir. 2010) (recognizing the "well settled" principle that a defendant's compliance with the terms of pretrial release "is commendable but does not justify release under section 3145(c)"). Accordingly,

IT IS ORDERED that defendant Sara Jarrett's Motion for Release of Custody (Filing No. [832](#)) is denied.

DATED this 3rd day of June, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court